

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
Martin A. Hubert, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 16, 2006

LaDonna Castañuela  
Office of Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, Mail Code 105  
Austin, Texas 78711-3087

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2006 NOV 16 PM 4:16  
CHIEF CLERKS OFFICE

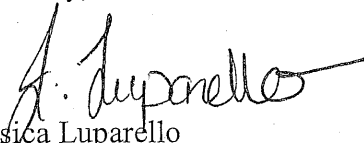
Re: TCEQ Docket No. 2005-1516-UCR, Application by Tapatio Springs Service, Inc.  
to Amend Certificates of Convenience and Necessity Nos. 12122 and 20698 in  
Kendall County, Texas

Dear Ms. Castañuela:

Enclosed for filing with the Texas Commission on Environmental Quality is the  
Executive Director's Response to Ratepayers' Letter Dated November 15, 2006.

If you have any questions, please call me at 239-0608.

Sincerely,

  
Jessica Luparello  
Staff Attorney  
Environmental Law Division

Enclosures

cc: See Mailing List



MAILING LIST  
TAPATIO SPRINGS SERVICE COMPANY, INC.  
SOAH DOCKET NO. 582-06-0425; TCEQ DOCKET NO. 2005-1516-UCR

FOR THE STATE OFFICE  
OF ADMINISTRATIVE  
HEARINGS

Mike Rogan  
Administrative Law Judge  
State Office of Administrative Hearings  
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FOR THE APPLICANT

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Environmental Law Division, MC 173  
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FOR THE CHIEF CLERK

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**FOR THE RATEPAYERS:**

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**FOR THE GENERAL COUNSEL:**

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Austin, Texas 78711-3087  
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(512) 239-5533 Fax

SOAH DOCKET NO. 582-06-0425  
TCEQ DOCKET NO. 2005-1516-UCR

APPLICATION OF TAPATIO  
SPRINGS SERVICE COMPANY, INC.  
TO AMEND CERTIFICATES OF  
CONVENIENCE AND NECESSITY  
NOS. 12122 AND 20698 IN KENDALL  
COUNTY, TEXAS

§ BEFORE THE STATE OFFICE  
§  
§ OF  
§  
§ ADMINISTRATIVE HEARINGS

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THE EXECUTIVE DIRECTOR'S RESPONSE TO RATEPAYERS' LETTER DATED  
NOVEMBER 15, 2006

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COMES NOW, the Executive Director ("ED") of the Texas Commission on Environmental Quality, by and through Jessica Luparello, a representative of the Commission's Environmental Law Division, and files this Response, as follows:

The ED objects to Ratepayers' attempt to submit new evidence, in the form of affidavits of W.E. West, Jr. and David Welch, after the record has closed. Allowing Ratepayers to submit new evidence prejudices the parties by robbing them of an opportunity to question Mr. West and Mr. Welch regarding statements made in their affidavits.

Ratepayers offer no worthy grounds for their request and instead merely continue to restate arguments which have been considered and ruled upon. The ED, therefore, supports Applicant's request that this matter be set for consideration by the Commissioners at the earliest possible time.

Respectfully Submitted,

TEXAS COMMISSION ON  
ENVIRONMENT QUALITY

Robert Martinez, Director  
Environmental Law Division

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2006 NOV 15 PM 4:17  
CHIEF CLERK'S OFFICE

by

J. Luparello  
Jessica Luparello

State Bar of Texas No. 24035758

Environmental Law Division

P.O. Box 13087, MC 173

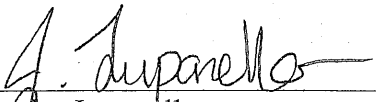
Austin, Texas 78711-3087

Phone: (512) 239-0608

Fax: (512) 239-0606

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of November, 2006, a true and correct copy of the foregoing document was placed into United States Mail, hand delivered, faxed, or sent by interagency mail to all persons on the attached mailing list.

  
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Jessica Luparello  
Staff Attorney  
Environmental Law Division

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